

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

UNITED STATES OF AMERICA

v.

GERALD RICE

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Crim. No. CCB-12-412

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MEMORANDUM & ORDER

Now pending is the motion filed by Gerald Rice seeking reconsideration of this court's decision to deny his request for compassionate release. The motion for reconsideration and Rice's related correspondence (ECFs 69, 70) have been reviewed.

Rice asks the court to consider that since his guilty plea and since his initial filings related to compassionate release, the Court of Appeals for the Fourth Circuit has held that Hobbs Act robbery is not a crime of violence that can support a career-offender designation under the United States Sentencing Guidelines. *United States v. Green*, 996 F.3d 176 (4th Cir. 2021). He argues that his career offender designation at the time of his sentence resulted in his entering a Rule 11(c)(1)(C) plea and that today the agreement would likely be lower because he would not be considered a career offender. Assuming that Rice is correct that he would not be a career offender if sentenced today, the court is not of the view that the career offender designation drove his 180-month sentence, which was significantly below his guideline range at the time of sentencing. The court continues to believe that a 180-month sentence properly reflects the severity of the offense and Rice's history, including his post-sentencing conduct. The court acknowledges and appreciates that Rice is doing well with programming in the BOP but remains unpersuaded that release is appropriate at this time.

Accordingly, the motion for reconsideration is Denied.

So ORDERED this 27th day of August, 2021.

/S/
Catherine C. Blake
United States District Judge